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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,280	10/20/2003	Sam Miksym Nazaruk		9130

7590 03/31/2005  
SAM M. NAZARUK  
SITE 8A, COMP. 19, RR#1  
1324 NOTCH HILL ROAD  
SORRENTO, BC V0E 2W0  
CANADA

EXAMINER

GRAHAM, MARK S

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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# **Notice of Non-Compliant Amendment (37 CFR 1.121)**

Application No.

10/690,280

Examiner

Mark S. Graham

Applicant(s)

NAZARUK, SAM MIKSYM

Art Unit

3711

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

The amendment document filed on 11/24/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☒ C. Other See attached sheet.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See attached sheet.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

## **TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

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Art Unit: 3711

The amendment document filed on 11/24/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following is required:

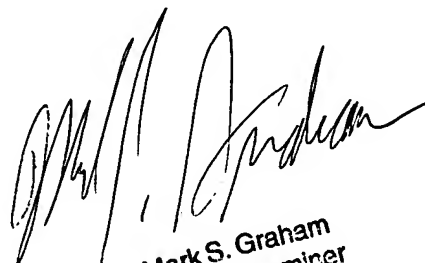
In the amended claims everything has been underlined and nothing bracketed so that it is not clear what material has been taken out of the claims and what has been added. If applicant would simply like to present the amended claims as new claims (which they appear to be) it is suggested that original claims 1-13 be cancelled (as per 37 CFR 1.121 with proper status identifiers) and be presented as new claims 14-26 (as per 37 CFR 1.121 with proper status identifiers and no underlining).

In the specification nothing has been bracketed as per 37 CFR 1.121 so that it is not clear what material has been taken out of the specification and what has been added. Additionally an entirely new section "Detailed Description of the Preferred Embodiment" has been added and is not underlined as required.

Also, no new matter, (material not disclosed in the original filing) may be added when amending the specification and claims. A cursory review of applicant's attempted amendments indicates that they do contain new matter. For example the original disclosure did not disclose turning the shaft to form it, nor using non-wood materials to form the core.

Any inquiry concerning this communication should be directed to Mark S. Graham at telephone number 571-272-4410.

MSG  
3/25/05



Mark S. Graham  
Primary Examiner